

[VIA ELECTRONIC FILING]

The Honorable Elizabeth C. Coombe
U.S. District Judge
U.S. District Court for the Northern District of New York
James M. Hanley Federal Building & U.S. Courthouse
100 S. Clinton St.
Syracuse, NY 13261

To The Honorable Elizabeth C. Coombe:

With apologies to the Court for the extra docket activity, the undersigned submits this update to the letter brief submitted at ECF No. 48. At roughly 5:15 pm, the undersigned was contacted by Mr. Moss who asked the undersigned to clarify with the Court the issue of the government's consent or non-consent to waiver of service for DHS Field Office Director Brophy. Mr. Moss asked the undersigned to communicate that he indicated that he was waiting to hear back from DHS about accepting service, and therefore was not able to accept service at this time.

/s/Eric Lee

Counsel for Plaintiffs